



Officer Report

Application Number: HGY/2026/0286
Application Type: Non-Material Amendment
Address: Woodridings Court, Crescent Road, Wood Green, London, N22 7RX
Proposal: Non-Material amendment to planning permission (HGY/2024/3339) to amend the wording of condition 28(a) (Biodiversity Net Gain)
Case Officer: Valerie Okeiyi
Valid Date: 02/02/2026
Applicant: mr Jack Goulde
Agent: mr steven fitzwilliam

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

HGY/2024/3339 -Variation of Condition 2 (Approved plans, specifications and documents) of planning permission ref: HGY/2022/2354 (Redevelopment of the derelict undercroft car park behind Woodridings Court and provision of 33 new Council rent homes in four and five storey buildings. Provision of associated amenity space, cycle and wheelchair parking spaces, and enhancement of existing amenity space at the front of Woodridings Court, including new landscaping, refuse/recycling stores and play space). The Minor Material Amendments for which approval is sought comprise the following: - Internal and external alterations to the approved design - The creation of 4 no. additional flats

Proposed amendments

The current wording of Condition 28 (Biodiversity Net Gain Plan) reads;

(a) Prior to the commencement of development, an updated Biodiversity Net Gain Calculation demonstrating a net gain of 15.24% or above has been achieved, details of ecological enhancement measures and ecological protection measures shall be submitted to and approved in writing by the Council. This shall include plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of

enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

(b) Prior to the occupation of development, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to and approved by the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures is in accordance with the approved measures and in accordance with CIEEM standards.

Development shall accord with the details as approved and retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change. In accordance with London Plan (2021) Policies G1, G5, G6, S11 and S12 and Local Plan (2017) Policies SP4, SP5, SP11 and SP13.

This application seeks to amend the wording of 28 (Biodiversity Net Gain Plan) to read:

(a) Prior to the commencement of above ground works, an updated Biodiversity Net Gain Calculation demonstrating a net gain of 15.24% or above has been achieved, details of ecological enhancement measures and ecological protection measures shall be submitted to and approved in writing by the Council. This shall include plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

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3. ANALYSIS/ASSESSMENT

S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.

The National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply.

Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

The NPPG states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

This application seeks to amend the existing wording of Condition 28 (Biodiversity Net Gain Plan) of the original consent in order to allow the applicant to dig a 5m trench as foundation works, 300mm wide by 500mm deep within the soft landscaping of the site

Although the wording of Condition 28 is being amended from “prior to the commencement of development” to “prior to the commencement of above ground works” its purpose remains unchanged. The condition will still safeguard and enhance biodiversity and ecology, as the applicant must submit the full details required under Condition 28 before any above ground works can begin. The 5 metre trench within the site’s soft landscaped area does not constitute “above ground development,” and therefore can proceed, as the revised wording no longer ties the trigger point to the general commencement of development

The NMA, would allow the 5 metre trench within the site’s soft landscaped area only

Officers do not have any objection to the re-wording of the above condition, as it still achieves its original purpose and is therefore a non material amendment. The rewording to the condition allows for the 5 metre trench within the site’s soft landscaped area only with no other works permitted to commence without discharging the relevant conditions, including condition 28.

On this basis, it is considered that a non-material amendment can be granted.

4. RECOMMENDATION

GRANT Non-Material Amendment subject to an informative

Informatives:

Conditions 28 (Biodiversity Net Gain Plan) of planning permission reference HGY/2024/3339 will now read:

(a) Prior to the commencement of above ground works, an updated Biodiversity Net Gain Calculation demonstrating a net gain of 15.24% or above has been achieved, details of ecological enhancement measures and ecological protection measures shall be submitted to and approved in writing by the Council. This shall include plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

(b) Prior to the occupation of development, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to and

approved by the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures is in accordance with the approved measures and in accordance with CIEEM standards.

Development shall accord with the details as approved and retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change. In accordance with London Plan (2021) Policies G1, G5, G6, SI1 and SI2 and Local Plan (2017) Policies SP4, SP5, SP11 and SP13.